

Minutes of a Town of Riverhead board meeting held by the town board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, October 2, 2012 at 2:00 p.m.

**PRESENT:**

Sean Walter,	Supervisor
James Wooten,	Councilman
George Gabrielsen,	Councilman
Jodi Giglio,	Councilwoman

**ALSO PRESENT:**

Diane M. Wilhelm,	Town Clerk
Robert Kozakiewicz,	Town Attorney

**DEPARTMENT HEADS PRESENT:**

David Hegermiller  
Chris Kempner  
Bill Rothaar  
George "Geo" Woodson  
Rick Hanley  
Meg  
Jeff

**ABSENT:**

John Dunleavy	Councilman
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(The meeting was opened at 2:00 p.m.)

(The Pledge of Allegiance was recited)

Supervisor Walter: "Rev. Duncklee. Actually we have microphones there. Would you like us to sit or stand or- "

Rev. Larry Duncklee: "Stay standing."

Supervisor Walter: "That's fine."

Rev. Larry Duncklee: "Before I begin with the prayer, I just want to thank the town board, thank the public safety traffic committee I guess, there's now a safer way or egressing with a one way turn only and the two way road. So that's really nice and thank you for that."

Supervisor Walter: "We did that all for you. We knew you were coming- "

Rev. Larry Duncklee: "Well, I heard other people wanted it but we benefit from it, so it's nice. Thank you."

Supervisor Walter: "When they come, we'll tell them we did it for them."

Rev. Larry Duncklee: "In the name of the Father, the Son and the Holy Spirit. Amen."

Lord, we thank you for this wonderful day and for this autumn season that we are now entering into, the beauty of the colors that will be changing, particularly out here in Riverhead and the farmland that we live in.

We ask for you blessing upon all of us gathered here this day and for all on the council, for all those that make deliberations, that they may continue to improve the life and the community that we live in.

We ask this because of our trust in you because we know of your love for us.

Amen."

Supervisor Walter: "Rev. Larry Duncklee and I'm going to say this- is it Dunkerly- Duncklee- "

Councilwoman Giglio: "And he can hit a golf ball, too."

Supervisor Walter: "From St. John the Evangelist Church in Riverhead. Thank you very much for doing our invocation."

Verna Campbell, I guess we have a guest."

Verna Campbell: "I'll step over here so I'll be- all right. Now, happy birthday to you."

(At this time, Verna Campbell sang Happy Birthday to Supervisor Walter)."

Supervisor Walter: "Thank you very much."

Verna Campbell: "Now, wait a minute, wait a minute. Now Supervisor, I just wanted to add a little something if I may. This is a little song that we sing at the end of our church service."

(At this time, Verna Campbell sang a song)

Supervisor Walter: "Thank you very much. You sing heavenly. Can I have a hug? I would like a hug. Can I have a hug? Thank you very much. You are so sweet."

All right, thank you. Jodi, I guess you wanted to say something."

Councilwoman Giglio: "Actually I just wanted to thank you, I'm not going to give him anything. I'm just going to make a statement."

Supervisor Walter: "Okay, yes. Pixie. Can we bring Pixie? Jim is going to talk to Pixie."

Councilman Wooten: "All right. As tradition, during the daytime town board meeting, the first Tuesday of every month, we bring one of our dogs from our shelter in to showcase, to hopefully not only to give interest in maybe going to visit the shelter, but maybe adopt her."

So this is Pixie. It's an American Staffordshire terrier mix, it's a female, spayed, about two and a half years old. Description: Pixie is a two and a half year old sweet female spayed American Staffordshire terrier mix. She was found running at large and brought to the shelter.

Pixie is a very affectionate dog who loves to play fetch but also enjoys relaxing at your feet. She appears to be housebroken and knows basic commands and would do best in a

fenced in yard.

Pixie will do best if she is the only animal in the household, however, she would need a home with no young children.

Please help find Pixie a new forever home.

So, that's Pixie. She's a great dog actually. So anybody out there that might want a companion, any of our senior citizens that might need a little company, it's a perfect dog."

Supervisor Walter: "How long has Pixie been in the- "

Jessica: "About a year."

Councilman Wooten: "She's been with us about a year."

Supervisor Walter: "All right. It's time to get a home for Pixie. All right. Jessica, thank you very much.

Okay. Thank you. Tara- when he comes to fix the microphone, that one doesn't work anymore either. The second one got stolen I think, the portable.

Okay, can we get approval of the minutes?"

Councilman Wooten: "Okay. I make a motion that we accept the minutes for September 18, 2012. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, aye; Gabrielsen, yes; Wooten, yes; Walter, yes. The minutes are approved."

Supervisor Walter: "Okay, Correspondence."

Diane Wilhelm: "Under Correspondence."

**CORRESPONDENCE:**

Peter Danowski, Jr.

Letter regarding Vertical

Line Apparel/Lot 8 on the  
EPCAL property

**REPORTS:**

Building Department	monthly report September, 2012 - \$75,212.00
Town Clerk	monthly report, September, 2012 - \$15,629.76
Sewer District	discharge monitoring report August, 2012

Fire District - 4 fire districts - Jamesport, Manorville, Riverhead, and Wading River all submitted their 2013 proposed budgets and have announced public hearings for October 16, 2012

2013 tentative town budget delivered to the town board by the town clerk

Supervisor Walter: "Well, we're trying to hire somebody to fix the microphones and he gave us a proposal and now we'll hopefully have him come in.

Can you guys hear me in this microphone? The microphones are like 12 years old.

All right. Town board reports."

Councilwoman Giglio: "Yes. I would like for Superintendent of Highways Geo Woodson to please come up to the podium. Geo.

And seeing as you are the star of the day and the star of the alternative transportation committee, I'd like to get the camera focused in on Geo because the council person- as a council person for the town and the liaison to the alternate transportation committee, Geo, I can't express to you how much I appreciate your hard work and your efforts and your crew and your highway department in getting out there and making an asset of the town, one that people can actually use.

People have been complaining that they couldn't use the bike path because the grass was too high and there were ticks and there were chiggers on the sides of the path. And there were trees overgrown in the path and you took a town asset and at the request of the alternative transportation committee with your crews went out there and mowed that.

And there are families that are using that path and there are people that are calling me and there are people that are sending me e-mails that they appreciate so much that they can use that path.

So you are a star in my eyes and I just personally wanted to thank you for working with me and the alternative transportation committee and making this town board look good by helping us out with that bike path.

So I can't tell you how much I appreciate it and appreciate you and all the work you do for the town."

Geo Woodson: "Thank you."

Councilwoman Giglio: "Thank you."

Supervisor Walter: "Thanks."

Councilman Wooten: "We'll bring you a Bavarian donut tomorrow."

Supervisor Walter: "Okay. Yes, go ahead."

Councilman Wooten: "I just wanted to let the residents know that there's lots going on this weekend in Riverhead."

October 6, on Saturday, at 10:00 the nature preserve, the open space committee has been working on to beautify will be opening, that's up on Sound Avenue, the 4H camp. It's about 17 acres, but it's very nice, some walkways. A place to go for some solitude, bird watching and it's nice.

It's an open space that the open space committee approved for the public to enjoy.

Also on the 6<sup>th</sup> at noontime up at the EPCAL Isaac dog

park, there's going to be a stretch your pup in the park. It's a fundraiser, want to build a second dog park at Stotsky Park, that's from noon to three.

And of course Sunday is the 38<sup>th</sup> annual Riverhead country fair which needs probably no introduction. That starts at 10:00 along the riverfront Sunday from 10 to 5. (Inaudible)."

Supervisor Walter: "If not, they're on Riverhead Local's website. (Inaudible).

They all got it. All right. Any other town board reports? No. Public hearings.

We've got two public hearings. The first one was scheduled for 2:05. It is 2:05 now.

Public hearing opened: 2:14 p.m.

Supervisor Walter: "We will open the public hearing and this is a public hearing for the consideration of a local law amending Chapter 101 entitled Vehicles and Traffic of the Riverhead town code, Article III, traffic regulations Section 101.3 stop and yield intersections; railroad crossings; parking fields, and I believe this is a new stop sign at the intersection of Hinda Blvd. and Industrial Blvd. heretofore known as Larry Williams stop sign."

Councilman Wooten: "Well it's a three way stop. Right now Industrial is a straight run. Hinda already has a stop sign but because of that new cul de sac on Pulaski Street, it certainly is a cut through to get to the eastern parts of the town without (inaudible)."

Supervisor Walter: "All right. Does anybody wish to be heard on this?

Not seeing anybody, I will close the public comment portion and leave it open for written comment until October 12<sup>th</sup> at 4:30 p.m. in the town clerk's office."

Public hearing closed: 2:15 p.m.

Left open for 10 days for written

comment to October 12, 2012 at  
4:30 p.m.

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Supervisor Walter: "The next public hearing scheduled to take place at 2:10."

Public hearing opened: 2:15 p.m.

Supervisor Walter: "It is now 2:15, so I'll open this public hearing."

This is the consideration of a local law amending Chapter 110 entitled Stormwater Management and Erosion and Sediment Control of the Riverhead town code, Section 110-12, fees for services.

I guess you're here to talk about that. Do you want to just brief us on what this is?"

Dan McCormick: "Yes. Good afternoon, town board members."

As per a town board directive and the town board's interest in retaining outside consultants to review our stormwater pollution prevention plan reports, I have submitted as a proposal an amended fee schedule, the highlights of which are the following.

There will be a maximum payment of \$175.00 per hour for use of those respective outside consultants; \$110.00 as a maximum amount per hour regarding an inspection by the town's retained consultants; and an additional proviso that the respective developers will have to deposit an initial amount of \$3,500.00 to defray the cost of those outside consultants and their services to review those respective review reports."

Supervisor Walter: "Okay, thank you."

Councilman Wooten: "I just have a couple questions. Dan, what is— I realize there is some verbiage that's been stricken— it looks like 2 has been stricken pretty much in its entirety but you make reference at the second page - C, that



these references to subsection A-2. I'm not sure they're (inaudible)."

Councilman Gabrielsen: "That is 2 that has been crossed out."

Dan McCormick: "I'm sorry. If you could direct my attention to where you're looking at now."

Councilman Wooten: "Well, the second page at C, it says the fee referenced in subsection A-2 shall become non-refundable upon SWPPP review and/or SWPP site inspection. Just before number three."

Dan McCormick: "Yes, yes. Thank you for pointing that-- "

Councilman Wooten: "Where is A-2?"

Dan McCormick: "It would actually be A-1- that's a typo on that second number."

So it would be the initial deposit fees, which will be the \$3,500.00 which will be used to offset the initial outside consultants."

(Inaudible comment)

Dan McCormick: "That's correct. That's correct."

Supervisor Walter: "I want to say something. I know Councilwoman Giglio has worked hard on this and it's something that needs to be done."

This is an unfunded mandate and what's happened is the state has pushed the stormwater pollution prevention inspections down to the town of Riverhead.

That necessitated us to hire a third engineer at a cost of well in excess of \$100,000, probably more with benefits and everything else, \$125, \$130,000 and the town can't afford to do that.

When one of the town engineers left, we eliminated that

position. The state- the only way for the town to do this now because we don't have a staff and we can't maintain a staff, is to use outside consultants.

So unfortunately it's running down hill from the state DEC to the town of Riverhead to the applicant, so now the cost of the inspections, the cost of the- everything is going to be squarely put on the applicant.

Personally, I just view it as another tax on an applicant, but there's nothing that we can do- it's cheaper to do it this way for the town than to add another salary, a third engineer back into the budget.

And so when everybody talks about the fact that we've been very, very good in not raising every fee under the sun- and I think a lot of towns are going to be stuck in that position very shortly because of the tax cap, but this is one of those things where we didn't raise the fees per se, we just passed the entire cost down to the applicant so that you- if you are proposing some sort of project whether it's a subdivision or site plan, you're going to pay for the entire cost and so it's not something I want to do but it is something that's being mandated by the state.

All right. Anybody else want to be heard on this? Not seeing anybody, I will close the public comment portion of this and leave it open for written comment- "

Dan McCormick: "Mr. Supervisor, if I could just address something.

I just want to- I did review it again and I originally agree with what I said about the correction. But if you note on page 2, there still will be a subsection 2.

It's now going to have additional lettering a, small a, small b, small c. So in fact there still will be a 2 and that is the section that relates to the outside consultant fees with the maximum hourly rates.

So it is correct in the present form."

Supervisor Walter: "Okay. That being said, we'll leave

it open— close the public comment portion, leave it open for written comment 'til October 12<sup>th</sup> in the town clerk's office and, Dan, since you're working on this, just check Monday on the 14<sup>th</sup>— the 15<sup>th</sup>, to see if anybody made a comment."

Dan McCormick: "That's fine. I will do so."

Supervisor Walter: "Okay. Thank you very much."

Public hearing closed: 2:20 p.m.

Left open for written comment for  
10 days to October 12, 2012 at  
4:30 in the town clerk's office

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Supervisor Walter: "Now what we will do is hear comments on resolutions. I'm going to multi-task."

Sal Mastropaolo: "Resolution 779. The notice of public hearing, can I suggest that you include the current salaries so that the public knows whether the salaries are going up or not?"

Supervisor Walter: "Okay. We don't object.  
(Inaudible)."

Sal Mastropaolo: "784. I guess the question is does the town recover the legal fees if the town wins the appeal?"

Supervisor Walter: "Which one are you talking about?"

Sal Mastropaolo: "784. This guy is appealing to the United States Court of Appeals."

Supervisor Walter: "The answer is no."

Sal Mastropaolo: "Can we sue for the legal fees? Well, I mean it's ridiculous."

Robert Kozakiewicz: "On this one, I'm not even sure it's going to go forward."

He's brought a lawsuit in the Eastern District and he's also brought one in the Northern District. I'm not admitted into the Appellate Court for the Federal Court and that's something I'm going to talk to the board maybe about allowing me to get admitted."

Supervisor Walter: "Oh, okay."

Robert Kozakiewicz: "This is in federal court. I am admitted to practice in the Eastern District Appellate court.

So it's something I think I've got to look into, because this is really just a matter of filing a notice of appearance.

In speaking with the court, this may not even move forward but they were looking for someone who was admitted into that court to appear and file a notice of appearance."

Sal Mastropaolo: "Okay. Thank you. 787. The first-- the now, therefore, just add the letter R in the video recoding, the third line down."

Supervisor Walter: (Inaudible)

Sal Mastropaolo: "Yeah, I know, that's it."

Robert Kozakiewicz: "Thank you."

Supervisor Walter: "Anybody else wish to be heard? Okay, go ahead, I'm sorry."

Jenn Hartnagel: "That's okay. Jenn Hartnagel, Group for the East End. But I'm-- I just wanted to read a letter from Sid Bail, he couldn't be here today.

He says: Dear Supervisor Walter and Town Board Members. The Wading River Civic Association supports changing the business CR zoning on the five parcels on the north side of Route 25A to multi-family professional office.

We further urge you to adopt proposals for buffering residential properties along the Route 25A corridor study area with evergreens.

We also support the proposition that the town of Riverhead will continue to study changes to the zoning on the parcels along the south side of Route 25A in the Wading River corridor study area.

We look forward to working with you on these issues.

And I just want to add that on behalf of the Group for the East End, we also support everything that Sid just said here.

Thank you."

Supervisor Walter: "Thank you very much. Appreciate it."

Dominique Mendez: "I actually get to put it up. Nice for a change. Yeah, I could get used to this thing."

Supervisor Walter: "The new microphone-- you know those buttons on top of the table there? We'll have them here with mute buttons and we're going to have one of those button microphones up there so nobody has to-- "

Dominique Mendez: "So you can mute us? No, I'm kidding."

Supervisor Walter: "We won't be able to-- you weren't here but do you remember-- who here remembers Eddie Densieski's red light system? That didn't go over-- (inaudible). Go ahead."

Dominique Mendez: "Dominique Mendez, Riverhead Neighborhood Preservation Coalition and Wading River resident.

Like Sid and the Wading River Civic, I and the RNPC also support the rezoning of five parcels on the north side of 25A.

By rezoning these parcels, especially two key ones from BCR to MRP you apply a zone that will impact the community less.

While both allow professional offices, the MRP zoning basically replaces the potential for more stores, restaurants and banks with the potential for multi-family homes.

Any homes or offices built on land zoned MRP would be set back twice as far as stores in the BCR zone, would have a dramatically smaller impact on traffic and are not likely to decimate our local businesses. Those are all good things.

And although this board has seemingly decided to allow other types of dwellings besides owner/occupied condos, a change that no one publicly advocated for except the supervisor, and a change that organizations working on behalf of the public including the RNPC has consistently opposed, the net effect of the changes you are about to make will have a positive effect on the future of Wading River.

Thus I urge the town to pass this legislation.

Of course I must note, that you're leaving over 200,000 square feet of potential for retail, that could still result in horrendous traffic, a plethora of out of business signs, and the Brookhaven-ization of Wading River.

The truth is what you will do today, if you choose to do it, will help a bit but not nearly enough to ensure Wading River doesn't evolve into some typical over retail Long Island town, the type of place so many of us moved away from.

That's why I commend this board for continuing to consider additional zoning changes.

I urge you to take a hard look at modifying more zoning on the south and west sides of 25A, and not to merely give developers more uses via a special permit or overlay zone for that would leave the future of Wading River in the hands of a few property owners.

The courageous thing would be to continue to do what is best for the community on the whole. The community has a vision for Wading River and it's not to inherit all the problems of those towns to our west.

I urge this board as I and others have been doing for over a year to have the courage to rezone more parcels in a way that minimizes traffic, aesthetic and environmental impacts.

Still there's one more thing to be addressed. I have to

admit, it's kind of astounding to me that this board has not yet agreed to a code change to require evergreen buffers, to screen new multi-family residential from 25A and vice versa.

And in all fairness two of you, both Jodi and Jim Wooten, have recently made it clear that you do support this code change but it takes three votes to get anything done.

The inability to reach consensus on this issue in over six months, something that provides such clear and obvious benefits to future residents and the general public boggles the mind, but I've got to say that I'm at least grateful that you're kicking the can down the road and not merely rejecting this code change and you're supposedly going to still continue to look at this.

You indicated during the last work session that the code revision committee was going to look into this, Jodi?"

Councilwoman Giglio: "Yes."

Dominique Mendez: "Is that going to be on the next meeting next week or- "

Councilwoman Giglio: "Yes. Next Tuesday at 3:00."

Dominique Mendez: "Okay. Great. Will I be able to have a conversation with you before then and then maybe attend that meeting and also participate?"

Councilwoman Giglio: "Absolutely."

Supervisor Walter: "I don't think anybody on the board is opposed to evergreens, buffering multi-family. I think that's a good thing, so I don't think you're going to have a problem with that."

Dominique Mendez: "I hope not. It's kind of perplexing that it wasn't in here in the first place, that you haven't been able to reach consensus but at least if you're going to move now, you know, better late than never, right. So- "

Robert Kozakiewicz: "If it had been in the public hearings and had been part of the process before, the board

would be in a position to adopt it now. They wanted to take action rather than have a question as to whether it was a substantive change. So rather than have that issue out there, they're adopting it the way it is and bring it back- "

Dominique Mendez: "Right, yeah. It wasn't the first time it heard about public hearing, I tracked it back to six months ago it was the first time that I mentioned it and it's been something consistent so, but again, better late than never and I'll reach out to you.

Thank you, Jodi, and thank you."

Steve Romano: "Good afternoon, Steve Romano, Riverhead. Is the town going to entertain budget questions or would that be more appropriate at the public hearing?"

Supervisor Walter: "At the public hearing."

Steve Romano: "Thank you."

Supervisor Walter: "Okay. If nobody else- not seeing anybody else, I'll close this. Bob, you've got to walk us through what's on the table, these resolutions?"

(Some inaudible discussion)

Councilman Wooten: "I move that we un-table resolutions 756 through 760. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. Resolutions 756 through 760 are un-tabled."

Supervisor Walter: "Okay. Which one do we have to modify?"

Robert Kozakiewicz: "757."

Supervisor Walter: "So let's- 756 is okay to move the way it is?"



Robert Kozakiewicz: "Yes."

Supervisor Walter: "So let's- I offer the following resolution."

Resolution #756

Supervisor Walter: "Determines environmental significance on proposed zoning amendments and amendment of the town of Riverhead comprehensive plan applicable to the Wading River Route 25A corridor. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. Resolution 756 is adopted."

(Some inaudible discussion)

Resolution #757

Supervisor Walter: "I'm going to call this one and then I'm going to let it be amended. Do you want to do the amendment first?"

All right. So I offer the following resolution.

It's adoption of an amendment to the town of Riverhead comprehensive plan applicable to the Wading River Route 25A corridor study."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

Robert Kozakiewicz: "Now we are going to have a motion to (inaudible). And I'll read the amendment (inaudible)."

If you look at Resolution 757 between the third and fourth Whereas we will add an additional paragraph which will read:

Whereas, at the public hearing numerous concerns were

expressed concerning some of the recommendations in the draft plan including the need for multi-family housing, the need for more open space preservation and amount of potential retail development that could be developed along the Route 25A corridor, and that would be the paragraph.

Now I don't know if there was a resolution that was-- "

Supervisor Walter: "A reduction in the-- "

Robert Kozakiewicz: "Well it was just we were just leaving open-- I'm sorry, say that again."

(Some inaudible discussion)

Supervisor Walter: "Read that paragraph again, Bob."

Robert Kozakiewicz: "Sure. Whereas, at the public hearing numerous concerns were expressed concerning some of the recommendations of the draft plan including the need for multi-family housing, the need for more open space preservation and amount of potential retail development that could be developed along the Route 25A corridor."

Supervisor Walter: "Okay. You didn't read it dramatically-- "

Robert Kozakiewicz: "Do you want me to read it with a little flair?"

Supervisor Walter: "Well, let's read the next one-- "

Robert Kozakiewicz: "Whereas-- "

Supervisor Walter: "What's the next one? That's going to go--"

Robert Kozakiewicz: "The third and fourth Whereas. So that will become the new fourth Whereas and the third and fourth Whereas will become the fifth."

Supervisor Walter: "Okay. All right. What's the next one we're adding to that?"

Robert Kozakiewicz: "The next one was add two, three, four, to add a new Whereas which would be inserted between the carry over of the paragraph on the first page to the second page and- so there would be a new Whereas that would come before the first Whereas on page two beginning with Whereas on September 5, 2012- "

Supervisor Walter: "Got it."

Robert Kozakiewicz: "So there's going to be a new Whereas being inserted before that which will be as follows:

Whereas the proposed action involves the adoption of an update to the town of Riverhead 2003 comprehensive plan with a focus on Route 25A in Wading River in order to help guide future development along Route 25A in Wading River so that it allows for orderly growth and development while balancing conservation and preserving and enhancing the community character of the study area."

Supervisor Walter: "Okay, that's all right with me. If it's all right with the board- good. All right. You've got one more, right?"

Robert Kozakiewicz: "The last one would be- would add a new Resolved which will become the second Resolved, therefore it would be inserted before the Be It Further Resolved that the town clerk is hereby authorized.

So this one would read as follows:

Be It Further Resolved that based upon the comments and concerns raised by the public and the analysis contained in the Route 25A-Wading River planning and zoning report, the town board directs the planning department to further evaluate the land use analysis contained in the consultant's plan of the property south of and adjacent to Route 25A and Sound Avenue extending to the town of Brookhaven.

And that's the three changes."

Supervisor Walter: "Okay with that."

Robert Kozakiewicz: "And if the board wants to quickly

(inaudible)."

Supervisor Walter: "Okay. So I'm going to offer Resolution 757 as amended."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. Resolution 757 is adopted."

Resolution #758

Supervisor Walter: "I offer the following resolution.

Adopts the amendment of the zoning use district map of the town of Riverhead to provide for multi-family residential zoning use district to the exclusion of the existing business CR zoning use district. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. Resolution 758 is adopted."

Resolution #759

Supervisor Walter: "Adopts a local law amending Chapter 108 entitled zoning of the Riverhead town code, business CR zoning use district rural country neighborhood- neighborhood business. So moved."

Councilman Gabrielsen: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. Resolution #759 is adopted."

Resolution #760

Supervisor Walter: "Adopts a local law to amend Chapter 108 of the town code of the town of Riverhead entitled Zoning Article XXXIV - multi-family residential professional office zone. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. Resolution #760 is adopted."

Supervisor Walter: "All right. Okay. CDA. Chris, can I get a motion- can I get a motion to close the town board meeting and open the Community Development Agency meeting?"

Councilman Wooten: "I make a motion that we close the town board meeting and open the Community Development Agency meeting."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Wooten, yes; Gabrielsen, yes; Walter, yes."

Meeting adjourned

Town board meeting re-opened

Resolution #764

Councilman Gabrielsen: "2011 Jamesport boardwalk capital improvement project budget adoption. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #765

Councilwoman Giglio: "Closure of account in Capital One. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #766

Councilman Wooten: "Riverhead sewer rehabilitation budget adoption. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #767

Councilman Gabrielsen: "Authorizes release of water project funds Ext. 89 Peconic River Sportsman's Club US Navy. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #768

Councilwoman Giglio: "Water district Route 105 transmission budget adjustment. So moved."

Councilman Wooten: "And second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #769

Councilman Wooten: "This authorizes court recall for a retired police detective. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #770

Councilman Gabrielsen: "Ratifies the appointment of an automotive equipment operator to the highway department. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio,"

Councilwoman Giglio: "This is replacing a person that has either retired or left the job.

Yes."

The Vote (Cont'd.): "Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #771

Councilman Gabrielsen: "Ratifies the appointment of an automotive equipment operator to the highway department. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio."

Councilwoman Giglio: "This is the same situation where we're replacing somebody.

Yes."

The Vote (Cont'd.): "Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #772

Councilman Wooten: "Same thing.

Ratifies the appointment of an automotive equipment operator to the highway department. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #773

Councilman Gabrielsen: "Classifies action on special permit of Philip Swotkiewicz and calls for a public hearing. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #774

Councilwoman Giglio: "Appoints a call in recreation aide-volleyball attendant to the recreation department. So moved."

Councilman Wooten: "Second."



Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #775

Councilman Wooten: "Authorizes town clerk to publish and post a public notice to consider expenditure of community preservation funds in the amount of \$900,000 for costs and expenses related and necessary to create an open space preserve. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio."

Councilwoman Giglio: "This has to do with the buying of the properties on Horton Avenue to which the town was given money to create a park.

So I will vote yes."

The Vote (Cont'd.): "Gabrielsen, yes; Wooten."

Councilman Wooten: "I think (inaudible) open space.

Yes."

The Vote (Cont'd.): "Walter."

Supervisor Walter: "Yes. This is to purchase-- to match the purchase of the houses, knock them down to create an open space wetlands. So you're both right.

Yes."

Diane Wilhelm: "The resolution is adopted."

Resolution #776

Councilman Gabrielsen: "Appoints a call in park

attendant II to the recreation department. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #777

Councilwoman Giglio: "Appoints a call in park attendant II to the recreation department. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #778

Councilman Wooten: "Appoints a call in park attendant II to the recreation department. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #779

Councilman Gabrielsen: "Authorize town clerk to publish and post notice of public hearing to consider the adoption of the 2013 preliminary annual budget for the town of Riverhead. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio."

Councilwoman Giglio: "Yes, for the public hearing."

The Vote (Cont'd.): "Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #780

Councilwoman Giglio: "Authorizes the town clerk to publish and post a public notice to consider a local law to amend Chapter 37 entitled Retirement of the Riverhead town code, Article III. So moved."

Councilman Wooten: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #781

Councilman Wooten: "Adopts a local law amending Chapter 26 entitled Officers and Employees of the Riverhead town code. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #782

Councilman Gabrielsen: "Adopts local law to amend Chapter 101 entitled Vehicles and Traffic of the Riverhead town code, Section 101-4 one way streets - St. John's Place. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #783

Councilwoman Giglio: "Appoints Bracken Margolin Besunder LLP as special counsel to the board of assessment review. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio."

Councilwoman Giglio: "I thought this was going to have (inaudible)."

(Some inaudible discussion)

Councilwoman Giglio: "Yes."

The Vote (Cont'd.): "Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #784

Councilman Wooten: "Appoints Sinnreich, Kosakoff & Messina, LLP as special counsel in the matter of Brud Rossman v. Allen M. Smith, et al. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor, Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #785

Councilman Gabrielsen: "Authorize the supervisor to execute an agreement with Riverhead Soccer Club for training and referee services for town of Riverhead police athletic league girls and boys soccer program for 2012 calendar year. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #786

Councilwoman Giglio: "Approves the Chapter 90 application of Abate of NY Long Island Chapter (St. Mary's food and toy run - November 4, 2012). So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #787

Councilman Wooten: "This ratifies an agreement with Robert W. Johnson for dog adoption video recording. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #788

Councilman Gabrielsen: "Rejects bid and authorizes the town clerk to republish and repost notice to bidders for calcium hypochlorite tablets. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "We should advertise this someplace else. Maybe that's what the problem is."

Moved and seconded. Vote please."

The Vote: "Giglio, yes Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Supervisor Walter: "Can you put this in- maybe we need a bigger distribution area than Riverhead. Can we put this- we can amend it, but in another paper? I think we should put this in another paper."

(Some inaudible discussion)

Resolution #789

Councilwoman Giglio: "Resolution to authorize the Cornell Cooperative Extension to locate ECO - counters at various locations within the town of Riverhead. So moved."

This is a small device that Cornell Cooperative wants to put on the community gardens so they can see the number of people that walk and travel by bike between the community garden and the new playground. And also over at EPCAL at the bike path and at the dog park so that we can find out the number of people that are actually visiting these facilities.

And at Stotsky Park."

(Some inaudible discussion)

Councilman Wooten: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #790

Councilman Wooten: "Motion to pay bills. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. Resolution is adopted."

Supervisor Walter: "We've got two coming off the floor, an award bid for food and an award bid for janitorial supplies."

Can I get a motion to move 791 - awards bid for food and 792 awards bid for janitorial supplies off the floor?"

Councilman Wooten: "So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please as to taking off the floor."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. Resolution 791 and 792 are taken off the floor."

Resolution #791

Councilman Gabrielsen: "Awards bid for food. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes. The resolution is adopted."

Resolution #792

Councilwoman Giglio: "Awards bid for janitorial supplies. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes;

Walter, yes. The resolution is adopted."

Supervisor Walter: "That concludes resolutions. Now we take comment on any subject that you'd like to discuss so we can help you."

Sal Mastropaolo: "Sal Mastropaolo, Calverton. Quick question. What's the latest status of the ballfields? Are they going to be finished before the winter?"

Councilman Gabrielsen: "Yes. In fact I've got a schedule I just got in my office. If you wait after the meeting, I can give you a copy of it."

The dugout is about finished. All we have left is some line fencing and a couple (inaudible). And (inaudible) has put a date, the final finish date was November like 11<sup>th</sup>."

Supervisor Walter: "We have a Thanksgiving-- there."

Sal Mastropaolo: "Thank you. So they're going to schedule them for the spring?"

Councilman Gabrielsen: "Oh, yes. I just sat down with the-- Tony Samartano (phonetic) from the Riverhead little league and he's working on the schedule-- "

Sal Mastropaolo: "Thank you."

Councilman Gabrielsen: "-- so everyone is satisfied."

Supervisor Walter: "Okay. Anything else-- does anybody else wish to be heard on? No. Not seeing anybody can I get a motion to adjourn?"

Councilman Wooten: "I'll move."

Supervisor Walter: "All in favor?"

Collective response: "Aye."

Supervisor Walter: "All right. Thank you folks."

Meeting adjourned: 2:52 p.m.